



06/28/94

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification  
of this Application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior Application:  
Exam'r: Gary L. Kunz, Ph.D  
Group Art Unit: 1803

Attorney's  
Docket No.:  
Enz-47(C)

**FILED BY EXPRESS MAIL**

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

**BOX FWC (if under \$1.62)**

Sir:

This is a request for filing a X CONTINUATION    DIVISIONAL  
   CONTINUATION-IN-PART application under    37 CFR §1.60  
X 37 CFR §1.62, of pending prior application Serial No. 07/446,235  
filed on December 4, 1989 of Christine L. Brakel et al.

Inventor(s)

for:

**MODIFIED NUCLEOTIDE COMPOUNDS**

Title of Invention

1.    Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. X A copy of the verified statement under 37 CFR §1.9 and §1.27 establishing small entity status in the prior application is enclosed. Small entity status is still applicable.
3. X The filing fee is calculated as follows:

## CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	Number Filed		Number Extra		RATE			FEE	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	1	=	0	x	\$ 11	\$ 22	=	\$ 0	\$ -
Independent Claims	1	=	0	x	\$ 37	\$ 74	=	\$ 0	\$ -
Multiple Dependent Claims Presented: <u>  </u> Yes <u>X</u> No					\$ 115	\$ 230		\$ 0	\$ -
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2					BASIC FEE			\$ 355	\$ -
					TOTAL FEE			\$ 355	\$ -

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135.  
A duplicate copy of this sheet is enclosed.
- X Any additional filing fees required under 37 CFR §1.16.

**Attorney's Docket No. Enz-47(C)**

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No. <u>EF414877981</u>	
Deposit Date <u>JUNE 28, 1994</u>	
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service - Express Mail Post Office to Addressee's service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
<i>Ronald C. Fedus</i> Ronald C. Fedus Reg. No. 32567	<u>JUNE 28, 1994</u> Date

- ☒ Any patent application processing fees under 37 CFR §1.17.
5. ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A **duplicate** copy of this sheet is enclosed.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
6. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
7. ☒ Cancel claims 2-51.
8. ☒ Amend the specification by inserting before the first line the sentence: -- This is a ☒ continuation, ☐ divisional ☐ continuation-in-part, of application Serial No. 07/446,235, filed on December 4, 1989. --
9. ☐ Transfer the drawings from the prior application.
10. ☐ Informal ☐ Formal ☐ drawings are enclosed.
11. ☒ Abandon said prior application as of the filing date accorded this application. A **duplicate** copy of this sheet is enclosed for filing in the prior application file.
12. ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is claimed under 35 U.S.C. §119.  
☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
13. ☐ The prior application is assigned of record to Enzo Therapeutics, Inc., 60 Executive Boulevard, Farmingdale, New York 11735-4716.
14. ☐ A preliminary amendment is enclosed.
15. ☒ The power of attorney in the prior application is to:  
Ronald C. Fedus, Reg. No. 32,567.
- (a) ☐ The power appears in the original papers in the prior application.

- (b) X Since the power does not appear in the original papers, a copy of the substitute power in the prior application is enclosed.
- (c)      A copy of a new substitute power of attorney is enclosed.
- (d) X Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.  
Therapeutics, Inc.  
Enzo Biochem, Inc.  
575 Fifth Avenue (18th Floor)  
New York, New York 10017

16. X Also accompanying this Request is a Petition to Revive An Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b).
17.      I hereby verify that the attached papers are a true copy of prior application Serial No.
18. X The parent application (Serial No. 07/446,235) was unintentionally abandoned after November 3, 1993, which was the date that a Brief In Support of Appeal was originally due. As noted under No. 16 above, this Request For a Continuation Application is accompanying the Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b), along with the requisite petition fee therefor. With the expected granting of the Petition, the parent application will be copending with the filing of this new continuation application.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

Attorney's Docket No. Enz-47(C)

Christine L. Brakel et al.  
Serial No.: Not Yet Assigned  
Filed: Herewith  
Page 4 (Request for a Continuation Application Under 37 C.F.R. §1.62  
- June 28, 1994)

of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

JUNE 28, 1994  
Date



Signature [Ronald C. Fedus]  
Registration No. 32,567  
Attorney for Applicants  
☐ Inventor(s)  
☐ Assignee of Complete Interest  
☒ Attorney or Agent of Record  
☐ Filed under 37 CFR §1.34(a)

Address of Signator:  
Enzo Therapeutics, Inc.  
c/o Enzo Biochem, Inc.  
575 Fifth Avenue (18th Floor)  
New York, New York 10017

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